

In the Drawings:

Please enter the Replacement Sheet for Sheet 1 which contains FIG. 1.

REMARKS

The Examiner objected to the drawings under 37 CRF 1.83(a).

The Examiner objected to claim 13 because of the following informalities: in the second limitation, the claim recites “the data reproducing mean...” The Examiner believes the claim should read - the data producing means...-”

The Examiner objected to claim 14 because of the following informalities: The claim is labeled as being original, but it has been amended to change its dependency. Appropriate correction is required.

The Examiner rejected claims 1-3, 5-11, 13-16 and 18-20 under 35 U.S.C. §103(a) as allegedly being unpatentable over Yamamoto *et al.* (6,628,890), in further view of Thomason *et al.* (6,018,612), and in further view of Burt *et al.* (3,668,308).

Applicants respectfully traverse the drawings objections, the claim objections, and the §103 rejections with the following arguments.

Drawings Objections

The Examiner objected to the drawings under 37 CRF 1.83(a). The Examiner argues: “The drawings must show every feature of the invention specified in the claims. Therefore, the first compressed data and second compressed data of claims 1, 9 and 16; the additional second compressed data of claims 1, 9, 15; the monitoring means of claims 5, 14, and 18; and the video data decoding section and audio data decoding section of claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.”.

In response, Applicants have have included a Replacement Sheet for sheet 1 of the drawings. Said Replacement Sheet had revised FIG. 1 in a manner that accommodates the Examiner’s concerns in the aforementioned argument of the Examiner. Note that although the phrase “additional second compressed data” does not explicitly appear in the revised FIG. 1, Applicants respectfully contend that the phrase “second compressed data” in the revised FIG. 1 includes “additional second compressed data” under the conditions indicated in the specification on page 9, lines 19-21 and page 11, lines 4-6.

The specification has been amended to add the new reference numerals 23, 51, and 52 appearing in the revised FIG. 1.

The revised FIG. 1 and revised specification do not contain new matter.

Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

Claim Objections

The Examiner objected to claim 13, alleging: “in the second limitation, the claim recites “the data reproducing mean...” The Examiner believes the claim should read - the data producing means...-”. In response, Applicants have amended claim 13 in accordance with the preceding interpretation stated by the Examiner.

The Examiner objected to claim 14 because of the following informalities: The claim is labeled as being original, but it has been amended to change its dependency. Appropriate correction is required. In response, Applicants have labeled claim 14 as “previously presented” herein.

35 U.S.C. §103(a)

The Examiner rejected claims 1-3, 5-11, 13-16 and 18-20 under 35 U.S.C. §103(a) as allegedly being unpatentable over Yamamoto *et al.* (6,628,890), in further view of Thomason *et al.* (6,018,612), and in further view of Burt *et al.* (3,668,308).

Applicants respectfully contend that claim 1 is not unpatentable over Yamamoto in further view of Thomason and in further view of Burt, because Yamamoto in further view of Thomason and in further view of Burt does not teach or suggest each and every feature of claims 1, 9, and 15.

As a first example of why Yamamoto in further view of Thomason and in further view of Burt does not teach or suggest each and every feature of claims 1, 9, and 15, Yamamoto in further view of Thomason and in further view of Burt does not teach or suggest the following combination of features:

“recording means for recording the second compressed data generated by the record control means in a same order in which the first compressed data is received by the receiving means; ...

reproduction control means for reading the second compressed data from the recording means and transmitting the second compressed data to the data reproducing means in a same order in which the second compressed data is recorded in the recording means” (emphasis added).

The preceding combination of features requires that the recording means be disposed between the record control means and the reproduction control means. The Examiner alleges that in Figure 1 of Yamamoto, the record control means is represented by the PES packet storage block 8 and the reproduction control means is represented by the reproduction device 32. However, the Examiner has not alleged that Yamamoto discloses a recording means disposed between the PES packet storage block 8 and the reproduction device 32. Instead, the Examiner alleges that the recording means is represented in Yamamoto, col. 1, lines 7-8 by a “digital recording/reproduction apparatus” which is not disclosed by Yamamoto as being disposed between the PES packet storage block 8 and the reproduction device 32.

As a second example of why Yamamoto in further view of Thomason and in further view of Burt does not teach or suggest each and every feature of claims 1, 9, and 15, Yamamoto in further view of Thomason and in further view of Burt does not teach or suggest the following combination of features:

“recording means for recording the second compressed data generated by the record control means **in a same order** in which the first compressed data is received by the receiving means; ...

reproduction control means for reading the second compressed data from the recording means and transmitting the second compressed data to the data reproducing means **in a same order** in which the second compressed data is recorded in the recording means” (emphasis added).

The Examiner argues: “Yamamoto and Thomason only discuss the order of recording and reproduction in the "prior art" section, and are silent on the order that data is recorded and reproduced.... The examiner takes official notice that, particularly in the absence of any disclosure to the contrary, the recording and reproduction of data in the order it is received is notoriously well known, widely used, and commercially available in such devices as analog recorders of audio, video signals.... Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify either Yamamoto or Thomason to disclose recording and reproducing data in the order that it is received.”

In response, Applicants respectfully challenge such official notice and request that the Examiner support the preceding allegation by relevant and credible evidence from the prior art.

Applicants respectfully contend that the preceding allegation is not notoriously well known, because preceding combination of features in claims 1, 9, and 15 requires that the receiving of the first compressed data by the receiving means, the recording of the second compressed data by the recording means, the reading the second compressed data from the recording means by the reproduction control means, and the transmitting of the second compressed data to the data reproducing means are all be performed in the same order. In particular, the preceding combination of features in claims 1, 9, and 15 requires that the recording of the second compressed data by the recording means and the reading of the second compressed data from the recording means are performed in the same order which is most certainly not notoriously well known.

Moreover, even if the Examiner’s allegation of it being notoriously well known that the recording of the second compressed data by the recording means and the reading of the second

compressed data from the recording means are performed in the same order, the Examiner has not provided motivation derived from the prior art for modifying Yamamoto to include the preceding combination of features of claims 1, 9, and 15. The fact that the preceding allegation of the Examiner is allegedly notoriously well known (which it isn't) does not, by itself, constitute motivation to modify the primary reference of Yamamoto.

As a third example of why Yamamoto in further view of Thomason and in further view of Burt does not teach or suggest each and every feature of claims 1, 9, and 15, Yamamoto in further view of Thomason and in further view of Burt does not teach or suggest the following feature: “data reproducing means for decoding the compressed audio/video data included in the second compressed data **simultaneous with additional second compressed data being recorded in the recording means**” (emphasis added).

The Examiner does not appear to have discussed the preceding feature of claims 1, 9, and 15. In particular, the Examiner has not mentioned “additional second compressed data being recorded in the recording means”.

Based on the preceding arguments, Applicants respectfully maintain that claims 1, 9, and 15 are not unpatentable over Yamamoto in further view of Thomason and in further view of Burt, and that claims 1, 9, and 15 are in condition for allowance. Since claims 2, 3 and 5-8 depend from claim 1, Applicants contend that claims 2, 3 and 5-8 are likewise in condition for allowance. Since claims 10, 11, 13 and 14 depend from claim 9, Applicants contend that claims 10, 11, 13 and 14 are likewise in condition for allowance. Since claims 16 and 18-20 depend

from claim 15, Applicants contend that claims 16 and 18-20 are likewise in condition for allowance.

In addition with respect to claims 5, 14, and 18, Applicants maintain that Yamamoto in further view of Thomason and in further view of Burt does not teach or suggest the feature: “monitoring means for monitoring the amount of data transmitted from the reproduction control means to the data reproducing means”.

The Examiner quotes Yamamoto, col 8, line 66 - col. 9, line 1 as reciting: "the navigation control block 22 instructs the data transfer to the PES packet reading block 21 according to an available space in the PES packet buffer 23".

In response, Applicants refer to previous arguments by the Examiner in order to apply a logically consistent review of the Examiner’s analysis of claims 5, 14, and 18. The Examiner alleges that the navigation control block 22 of Yamamoto represents the “monitoring means” in the Examiner’s analysis of claim 5. The Examiner alleges that the navigation control block 22 of Yamamoto represents the “reproduction control means” in the Examiner’s analysis of claim 4. The Examiner alleges that the AV decoder 24 of Yamamoto represents the “data reproducing means” in the Examiner’s analysis of claim 1.

In application to the language of claim 5 with logical consistency, the Examiner is therefore arguing that Yamamoto discloses: monitoring means (22) for monitoring the amount of data transmitted from the reproduction control means (22) to the data reproducing means (24). First, the preceding statement inferred from the Examiner’s analysis does not make any sense. Second, claim 5 requires monitoring of data from the reproduction control means (22) to the data

reproducing means (24) which Yamamoto most certainly does not disclose.

Therefore, Applicants respectfully contend that the Examiner has not established a *prima facie* case of obviousness in relation to claims 5, 14, and 18.

In addition with respect to claims 6, 13, and 19, Applicants maintain that Yamamoto in further view of Thomason and in further view of Burt does not teach or suggest the feature: “switching means for switching between transmitting the compressed audio/video data extracted by the data separating means to the data reproducing means and transmitting the second compressed data from the reproduction control means to the data reproducing means”.

The Examiner argues: “Yamamoto et al disclose an apparatus for recording and reproducing digital data comprising switching means for switching between the compressed audio/video data extracted by the data separating means to the data reproducing means (Col 5, lines 28-31 "The user interface control block 25 receives a playback command for normal play or trick play, entered by a user, and outputs the entered playback command for normal play or trick play to the navigation control block 22") and transmitting the second compressed data from the reproduction control means to the data reproducing means (Fig. 1, item 22 "navigation control block").”

In response, Applicants respectfully contend the preceding argument by the Examiner has not clearly stated what the Examiner alleges to be the “switching means in Yamamoto. Moreover, Applicants cannot identify any switching means in FIG. 1 of Yamamoto. Applicants respectfully request that the Examiner identify with specificity a switching means in Yamamoto and explain how said switching means in Yamamoto satisfies all of the limitations recited in

claims 1, 9, and 15 that pertain to the switching means.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0457.

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